

STATE OF INDIANA



Lake Co., Dubois 201

INDIANAPOLIS

STATE BOARD OF HEALTH

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
Indianapolis, IN 46206

September 13, 1973

Mr. A. H. Manzardo, Chief
Permits Branch
Environmental Protection Agency
1 North Wacker Drive
Chicago, Illinois 60606

EPA Region 5 Records Ctr.



297599

Dear Mr. Manzardo:

Re: NPDES Permit
E. I. du Pont de Nemours and Company
Application No. IN 070 OX3 2 720889

This will acknowledge your August 21, 1973, letter requesting that this office review the attached NPDES draft permit for E. I. du Pont de Nemours and Company. You indicated that it was EPA's desire to issue NPDES permits to all existing consent decrees. The consent decree for du Pont was entered into in November of 1972.

You indicated that although du Pont was located in a water quality segment in which this office was embarking on a load allocation study to determine allowable loads for pollutants to meet water quality standards, you believed that the permit could be issued with the understanding that pollutant effluent limitations could be adjusted if the State's load allocation study shows the need.

I have reviewed the draft permit and the attached material and have the following comments:

1. On figure VII which outlines the State of Indiana water quality standards as per Indiana rule SPC 7R, this should be changed to Regulation SPC 7R-2 which was signed by the Governor on August 21, 1973, and is now in effect. The only significant change in this Regulation is the insertion of a 60° F wintertime maximum temperature.
2. On page 2 of the draft permit under item 4(c) and (d), we request that the reasonable times be eliminated.
3. On page 5 of the draft permit item 3 (b) indicates the permittee shall submit to the permit issuing authority the required report of progress. We believe that this must also reflect submission to the State agency. In addition insertion of a requirement for submission of preliminary plans and specifications and final plans and specifications to the State agency is also necessary.

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4. On page 7 of the draft permit under item 6 the address of the Stream Pollution Control Board is 1330 West Michigan Street, Indianapolis, Indiana 46206.
5. On page 8 of the draft permit, I do not believe that item 6 (b) 4 is necessary for issuance to an industry. Under item (c) it is indicated that discharge monitoring reports shall be submitted for the period ending 30 days after issuance of the permit. The reporting period shall be postmarked no later than the 28th day of the month following each completed reporting period. The State regulation requires submission of monthly reports on the 15th day of the month following and an indication must be made that State discharge monitoring reports must be submitted in accordance with State regulation.
6. On page 9 of the draft permit covering disposal of solids, sludges, filter backwash or other pollutants removed from or resulting from treatment or control of wastewaters, this section must reflect that materials must be disposed of at a site approved by the State agency as required by State legislation.
7. Under item 10, page 9, of the draft permit there is an indication that if for any reason the permittee does not comply with or will be unable to comply with daily maximum effluent limits, he shall notify the permit issuing authority at the EPA phone number. We believe that the State agency must also be notified and insertion of the telephone numbers of area code 317-633-5278 during regular office hours and area code 317-633-4360 during after hours and holidays and weekends. We believe notification to the State agency is as important or more important than notification to the Federal agency since the States will be maintaining inspection and surveillance of the facilities.
8. On page 10 of the draft permit under items 12 (a) and (b), under item 13, and under item 14 covering provisions for electric power failure, the prohibition of bypass of treatment facilities and spill prevention and containment plan, we believe that the State agency must be listed as a party to be notified under the particular provisions.
9. On page 12 of the draft permit under item (b), it is indicated that the permittee shall submit to the permit issuing authority the required report of progress. We must have the State agency also receive this submission.
10. Under Table P I of the draft permit under item (b), it is indicated that commencing November 15, 1973, not later than the 15th of each month thereafter the company shall submit to the Administrator the following information: This should be replaced by the Regional Administrator and the State agency.

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On the second page of Table P I, the last two paragraphs again refer to the Administrator. We believe this should refer to the Regional Administrator and the State agency.

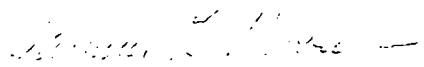
11. The last two paragraphs to Table P III also refer to the Administrator. We believe this should be the Regional Administrator and the State agency.

One of the most significant problems with the draft permit is the proposal to limit the ammonia nitrogen concentration from the company to 1.5 mg/l in the discharge because this is the requirement in the Board's water quality regulations. We have opposed utilizing this principle for determining effluent limitations for such values as ammonia. One of the primary determinations that will be made with the State's load allocation study will be the allocations of pounds per day of ammonia nitrogen in the particular effluents. Since we are anywhere from three to four times in excess of the ammonia nitrogen criteria in the lower portions of the canal, it seems that allocations will be required to control this contaminant to within the water quality standards. We do not support an arbitrary setting of effluent standards at 1.5 mg/l for all dischargers.

Because of the question of ammonia nitrogen removal as well as other contaminants such as dissolved solids and sulfates which are particularly significant at E. I. du Pont de Nemours, we do not believe issuance of an NPDES permit at this time is possible particularly in relation to the ammonia nitrogen. The company under the consent decree is proceeding to design and construct facilities for limitations of dissolved solids and sulfates which is predicated on the technology that is available at this time, although further reductions could be achieved by use of the deep well disposal system. We do not believe that the company should be required to proceed to install facilities for ammonia nitrogen reduction when after the load allocation study is completed, the determination may be that additional ammonia nitrogen removal is required or perhaps even a greater concentration than 1.5 mg/l could be allowed for E. I. du Pont de Nemours and Company. We are somewhat concerned even at this time with the company proceeding with the construction of conventional facilities for precipitation of sulfates when a deep well disposal system could achieve higher reduction. Should our load allocation study show that additional reduction of dissolved solids and sulfates is required to meet water quality standards, this agency would support the requirement that du Pont proceed with the installation of a deep well disposal system.

In summary, this office cannot proceed with the processing of the NPDES permit for du Pont and could not provide certification under Section 401 as required.

Very truly yours,


Samuel L. Moore, Director
Division of Water Pollution Control

SLM/je

cc: Mr. Glenn Pratt

Mr. Patrick L. Stevens

Mr. Richard L. Clanton